

San Francisco Bay Conservation and Development Commission

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May 17, 2018

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: Changes to the Staff Summary on BCD Consistency Determination Concurrence Request No. C2018.003.00, US Army Corps of Engineers 2018 and 2019 San Francisco Bay Operations and Maintenance Dredging Program
(For Commission consideration on May 17, 2018)

Corrections and Clarifications

The staff would like to note the following corrections to the staff summary dated May 4, 2018, which have been incorporated into the staff recommendation dated May 11, 2018, for BCD Consistency Determination Concurrence Request No. C2018.003.00, US Army Corps of Engineers 2018 and 2019 San Francisco Bay Operations and Maintenance Dredging Program. The corrected language is underlined.

1. **On page 2**, in the Project Description stated that the number of channels proposed for dredging within the Commission's jurisdiction was 7 and should have been 8.
2. **On page 4**, the Jack D. Maltester Channel was incorrectly referred to as Jack I. Maltester channel.
3. **On page 8**, the description of the proposed disposal site for Pinole Shoal was listed as Alcatraz Island and San Pablo Bay disposal sites and should have been Carquinez Strait and San Pablo Bay disposal sites.
4. **On page 13**, Curtin Marine was misspelled as *Curtain* Marine.
5. **On page 23**, the name of the federal dredge was misspelled and should be Yaquina.
6. **On page 26**, it states that eelgrass is found adjacent to Richmond *Inner* Harbor Channel and should have stated that it is found adjacent to Richmond Outer Harbor Channel.
7. **On page 33**, in the last paragraph, it stated that the USACE had not complied with minimization measure 6. It should have stated that the USACE had not complied with minimization measure 7.

The staff would like to note the following clarifications to the staff Recommendation dated May 11, 2018, which, with Commission approval, will be incorporated into the Commission's Letter of Agreement No. C2018.003.00, US Army Corps of Engineers 2018 and 2019 San Francisco Bay Operations and Maintenance Dredging Program. Clarified language is underlined. Further, the Commission staff would like to include two definitions to further clarify information in the Recommendation.

Original Language (Page 7 directly following "Special Condition" header):

If the USACE does not agree to comply with the following conditions or fails to incorporate them into the projects, the USACE shall notify the Commission immediately of its refusal to agree or to incorporate the conditions into the project and this conditional concurrence shall be treated as an objection. The USACE shall also immediately notify the Commission if the USACE determines to go forward with the project despite the Commission's objection.

Clarified Language:

If the USACE does not agree to comply with the following conditions or fails to incorporate them into its Program, the USACE shall notify the Commission immediately of its refusal to agree or to incorporate any of the conditions into the Program, and this conditional concurrence shall be treated as an objection to the USACE's determination that the program is consistent with the Bay Plan policies applicable to such conditions. The USACE shall also immediately notify the Commission if the USACE determines that it will go forward with any project pursuant to the Program despite the Commission's objection.

Further, staff would like to include the following definitions to provide better clarity in the Staff Recommendation and Letter of Agreement regarding what is meant by the words "program" and "project." These definitions will be added to pages 1 and 2 of the Staff Recommendation as a footnote.

Definitions:

Program means all dredging and disposal activities proposed by the USACE for the 2018 and 2019 operations and maintenance activities.

Project means individual dredging episode at a federal navigation channel and its associated disposal or beneficial use of dredged sediment.